



CITY OF MEMPHIS

COUNCIL AGENDA

April 13, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 16, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Sections 171 Through 176, relating to the Aging Commission of the Mid-South, concerning the affairs of senior citizens in the City of Memphis and the counties of Fayette, Lauderdale, Shelby and Tipton, up for F I R S T reading. (Held from 1/6; 1/20;3/16)

Marshall

Ordinance No. 5034

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCES - FIRST READING

2. **ORDINANCE** rezoning the southwest corner of Bender Road and Interstate 55, containing 14.26 acres in the Multiple Family Residential (R-ML) District, up for F I R S T reading.

Peete

Ordinance No. 5048

Case No. Z 04-103

Applicant: Southwest Tennessee Community College, Summer Bakery, LLC.,
& David Hogue
Ricky Wilkins, Atty. - Representative

Request: 11.03 acres in the Highway Commercial (C-H) & 3.23 acres in the Single
Family Residential (R-S10) Districts

LUCB recommendation: APPROVAL of C-H and R-S10 on Parcels 1, 3, 4, & 5

OPD recommendation: REJECTION of C-H on Parcels 1, 3, & 4 and APPROVAL
of R-S10 on Parcel 5

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the south side of Democrat Road; +331.95 feet west of the west line of U.S. Highway 78 containing 7.948 acres in the Highway Commercial (C-H) District, up for F I R S T reading.

Peete

Ordinance No. 5049

Case No. Z 04-105

Applicant: William B. Simmons
Construction Engineering Services – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning the west side of Amherst Road; \pm 362 feet south of School Road, containing 20,000 sq. ft. (0.46 acre) in the Parking (P) District, up for F I R S T reading.

Peete

Ordinance No. 5050

Case No. Z 04-106

Applicant: Family Dollar Stores, Inc.
Jud TePaske(Fisher & Arnold) – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

5. **ORDINANCE** rezoning the north side of Summer Avenue; between Glankler Street and Tillman Street, containing \pm 1.0 acre in the Duplex Residential (R-D) & Highway Commercial (C-H) Districts, up for F I R S T reading.

Peete

Ordinance No. 5051

Case No. Z 04-107

Applicant: Family Dollar Stores, Inc.
The Hutton Company & Fisher & Arnold, Inc. (Judson TePaske) – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** rezoning the west side of National Street; \pm 205 feet south of Hardin Avenue, containing 4.05 acres in the Multiple Dwelling Residential (R-ML) District, up for F I R S T reading.

Peete

Ordinance No. 5053

Case No. Z 04-110

Applicant: Harmony Woods Apartments, L.P.
Harvey Marcom (The Reaves Firm) – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE- SECOND READING

7. **ORDINANCE** rezoning \pm 1,685 feet east of Airways Boulevard at the Tennessee State Line, containing 2.69 acres in the Multiple Family Residential (R-ML) District, up for S E C O N D reading.

Peete

Ordinance No. 5047

Case No. Z 04-102

Applicant: Panattoni Development Co.
Ronald Harkavy, Armstrong, Allen, PLLC - Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

8. RESOLUTION accepting DAY ESTATES P.D., and authorizing release of bond.
Case No. PD 94-357
(Contract No. CR-4244)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Horn Lake Road, 1,352.81 feet south of Holmes Road. The standard improvement contract was approved on July 15, 1997. Resolution also authorizes the release of the letter of credit in the amount of \$34,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting MONTEBELLO P.D., PHASE 1, AREA A, and authorizing release of bond.
Case No. PD 00-353
(Contract No. CR-4390)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Thor Road and Center Road. The standard improvement contract was approved on December 18, 2001. Resolution also authorizes the release of the letter of credit in the amount of \$49,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of WOODLAND HILLS P.D., 4TH AMENDMENT, PHASE 21.
Case No. PD 02-306cc

Resolution approves the final plat located west of Houston Levee Road, on the north side of Humphrey Road. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

11. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-364 - BELVEDERE POINTE PLANNED DEVELOPMENT

Located on the west side of Belvedere Blvd.; ±710 feet north of Madison Avenue, containing 12,200 sq. ft. (0.28 acre) in the Multiple Family Residential (R-MM) District

Applicant: Wayne Martin

Request: Eight (8) multi-family residential units in two separate buildings

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 03-368 – POPLAR VILLAGE PLANNED DEVELOPMENT

Located on the south side of Poplar Avenue between Williamsburg Lane and Woodmere Lane, containing 3.4 acres in the Single Family Residential (R-S10) District

Applicant: Vince Smith
Homer Branan/Ralph Smith – Representative

Request: A maximum of 17 lots (Minimum lot size 6,000 Sq. Ft.)

LUCB recommendation: APPROVAL, with conditions – 16 Lots

OPD recommendation: APPROVAL, with conditions – 15 Lots

C. Case No. PD 04-301 – PERKINS PLACE PLANNED DEVELOPMENT

Located on the west side of N. Perkins Road; +175 feet north of Tutwiler Avenue, containing 1.75 acres in the Single Family Residential (R-S6) District

Applicant: Terry Investments LLC (Terry Dann)
Terry Dann – Representative

Request: A maximum of 9 single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-309

Located on the northeast corner of N. Germantown Parkway and Club Parkway, containing 9.16 acres and is currently governed by Avanti Planned Development (P.D. 87-352)

Applicant: Cypress Realty
SR Consulting, LLC – Representative

Request: Planned development amendment to create a new Parcel ‘C’ to allow Planned Commercial (C-P) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 04-311

Located on the southeast corner of U.S. Highway 64 and N. Germantown Parkway, containing 3.84 acres and is currently governed by the I-40/Germantown Parkway Planned Development (P.D. 94-330)

Applicant: Cohen Investments
Armstrong-Allen, PLLC-Ronald Harkavy – Representative

Request: Planned development amendment to permit a rental car agency in Parcel ‘G’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SUP 04-205

Located on the north of Watauga Avenue; ±575 feet east of Highland Avenue, containing 20,000 sq. ft. (0.46 acre) in the Single-Family Residential (RS-6) District

Applicant: Wesley Highland Nursing Homes, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: **Access to adjoining nursing home;** Build entrance/exit driveways
Residential home for the aged: Include assisted living facility in site plans

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: **Set a date of public hearing**

SUGGESTED DATE: **April 27, 2004**

GENERAL ITEMS

12. RESOLUTION approving temporary structures on the street on June 11, 2004 from 6:00 p.m. until 10:00 p.m., for the St. Patrick's Center, Inc.

Jones

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving temporary structures on the street on April 26, 2004 thru May 31, 2004, from 6:00 a.m. until 11:59 p.m., for the Memphis in May International Festival, Inc.

Jones

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving temporary structures on the street on April 18, 2004 from 7:00 a.m. until 6:00 p.m., for the Rajun Cajun Crawfish Festival.

Jones

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION honoring the life of Mr. Randolph Streeter.

Mitchell

ACTION REQUESTED: Adopt the resolution



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125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

16. RESOLUTION honoring the Beale Street Development Corporation. (Held from 2/17; 3/2; 3/16)

Peete

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

17. RESOLUTION to appropriate \$1,200,000.00 in G.O. Bonds General for CIP Project IS005 Communications Network Expansion and Upgrade for the purpose of connecting remote locations and replacing problematic communications equipment.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

18. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation and appropriating \$3,000,000.00 in G.O. Bonds-General from Uptown Village Apartments project number CD057 to Uptown Hurt Village project number CD033 for infrastructure construction related costs.

Ford

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION authorizing the sale of City owned property for rehabilitation in the South Memphis Area to Helen Perry for the revitalization of the neighborhood. The property is a single family home with a total living area of 1,343 square feet. The sale price is \$1.00.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

20. RESOLUTION amending the FY 2004 CIP Budget to transfer an appropriation totaling \$50,000.00 from Construction to Furniture, Fixtures, and Equipment funded by G.O. Bonds General chargeable to the FY 2004 Capital Improvement Budget for Aquatic Facilities Major Maintenance, CIP Project Number PK128.

McCormick

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$200,000.00 in Construction funded by G.O. Bonds General chargeable to the Fiscal Year 2004 Capital Improvement Budget for Liberty Bowl Improvements, CIP Project Number PK000, for repair to damage Stadium press box.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

22. RESOLUTION including the Southeast Police Precinct, CIP Project Number PD000 as part of the Fiscal Year 2004 Capital Improvement Program. Administration requests to amend the FY04 Capital Improvement Budget Funded by G.O. Bonds by increasing the allocation by \$409,457.00. Administration requests to appropriate \$4,824,457.00 for the construction of the Southeast Police Precinct, CIP Project Number PD000.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

23. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$32,297.00 in G.O. Bonds from Drainage project number PW120 to Gayoso Reservoir Fence Replacement project number PW483 for a construction contract with Columbus Fence Company.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

24. **JOINT ORDINANCE** amending the Memphis and Shelby County Office of Code Enforcement Commercial Demolition Program, up for T H I R D and F I N A L reading.(Held from 1/20;2/3; 2/17)(**Pulled from the Minutes of 3/2/2004**)

Peete

Ordinance No. 5035

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to establish a new Article to be known as Traffic Control Photographic System, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5044

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend the Code of Ordinances of the City of Memphis pertaining to the Budget, Salaries and Contracts of The Memphis Light, Gas and Water Division, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5046

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

27. **ORDINANCE** rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for T H I R D and F I N A L reading.(Held from 2/3;2/17;3/2; 3/16)

Peete

Ordinance No. 5037
Case No. SNC 03-802

Applicant: John H. Freeman

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON JANUARY 23, 2004

28. **ORDINANCE** rezoning the southeast corner of South Orleans Street and Pontotoc Avenue, containing 0.37 acre in the Light Industrial (I-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5045
Case No. Z 04-104

Applicant: Metropolitan Inter-Faith Association, Inc.
Liz Edmundson - Representative

Request: Multiple Dwelling Residential (R-ML) District

LUCB and OPD recommendation: Approval of the Multiple Dwelling
Residential (R-MM) District

ACTION REQUESTED: Take whatever action Council deems advisable

64 NOTICES MAILED ON MARCH 19, 2004

DIVISION OF PLANNING & DEVELOPMENT

29. **RESOLUTION** approving a special use permit located on the north side of Brooks Rd.; ±815 ft. west of Graves Rd. intersection, containing 25 acres in the Heavy Industrial (I-H) and Heavy Industrial Flood Plain I-H (FP) Districts. (Held from 8/19;9/2;10/7; 12/2;1/6)

Peete

Case No. SUP 03-214

Applicant: Pull-A-Part of Tennessee, LLC
SR Consulting, L.L.C. (Cindy Reaves)-
Representative

Request: Automobile Dismantler & Recycler

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

30. **RESOLUTION** approving a special use permit located on the southwest corner of Waverly Avenue and Semmes Street, containing 0.53 acre in the Local Commercial (C-L) District.

Peete

Case No. SUP 04-202

Applicant: Joe B. Weston

Request: Undertaking Establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

31. RESOLUTION approving a special use permit located on the west side of Berclair Road; +110 feet north of Zelda Lane, containing 0.43 acre in the Local Commercial (C-L) District

Peete

Case No. SUP 04-203

Applicant: Brenda Barkley
Terry Perkins – Representative

Request: Motor Vehicle Service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Oppositon at LUCB; No Public Hearing Required

PUBLIC HEARINGS

32. RESOLUTION approving an appeal located on the northwest corner of Migaldi Drive and Nicholas Lane, containing 20,068 square feet on lot 106 and 21,587 square feet on lot 107. (Held from 3/16)

Peete

Case No. S 04-005cc

Appellant: Pinnacle Point Neighborhood Association, Inc.- Darren M. Goods, Pres.
Michael J. Fahy – Prime Development Group, Inc. - Representative

Request: Resubdivide Lots 106 & 107 to allow for an additional lot (Lot 204) and reduce the required front yard building setback ten (10') feet for Lots 106, 107 & 204 along Migaldi Drive

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

53 NOTICES MAILED ON MARCH 5, 2004

33. RESOLUTION approving a planned development located +99.95 feet southwest of Riverwood Farms Parkway, +1,828 feet east of Dexter Lane, containing 3.423 acres in the Duplex Residential (R-D) District.

Peete

Case No. PD 04-303

Applicant: Cordova Associates
Ronald Harkavy - Representative

Request: A planned development to permit 13 single family lots with a typical lot size of 8,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON MARCH 19, 2004

34. RESOLUTION approving a planned development located on the north side of Holmes Road; +721.17 feet west of Gertrude Drive, containing 15.16 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-308cc

Applicant: Loyal Featherstone
Michael J. Fahy - Representative

Request: A planned development to permit 47 single family detached lots with an average lot size of 12,255 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

96 NOTICES MAILED ON MARCH 19, 2004

35. RESOLUTION approving a planned development located on the northwest corner of Barfield Road and Wallace Road, containing 0.46 acre in the Single Family Residential (R-S10) District.

Peete

Case No. PD 04-304

Applicant: Ben Duke
Ghassemi & Associates - Representative

Request: Planned development to create three (3) Single Family Residential Lots, a minimum of 6,390 square feet in area to allow the construction of two (2) new Single Family homes, including the renovation of existing home within the Outline Plan

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

68 NOTICES MAILED ON MARCH 19, 2004

GENERAL ITEM (none)

ADJOURNMENT